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ABSTRACT

This paper provides school districts with information about determining the need for and providing assistive technology services and devices to children and youth with disabilities. Determinations about the needs of students are made on a case by case basis through the development of a student's Individualized Education Program (IEP). Once the IEP is developed, it is the responsibility of the school district to ensure that this plan is implemented. This paper contains information and suggestions that will help local districts create policies and procedures for the implementation of assistive technology requirements. Each section begins with a narrative, followed by frequently asked questions about each topic. Topics covered are: (1) legal requirements and definitions; (2) training, including how districts might plan for and meet the training needs of their staff, students, and families; (3) IEP development; (4) acquisition and maintenance of devices; and (5) funding, including the responsibility of the district to pay for and provide assistive technology that is identified in the IEP for a student if outside funding is not available. (Contains 11 references.) (CR)

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Assistive Technology: Services and Devices for Persons with Disabilities

ED 427 471

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I. INTRODUCTION:

"The real miracle of technology may be the capacity it has to remove previously insurmountable barriers faced by persons with disabilities."

Mitchell Simon, 1991.

The purpose of this paper is to provide school districts with information about determining the need for and providing Assistive Technology (AT) services and devices to children and youth with disabilities. Determinations about the needs of students are made on a case by case basis, through the development of a student's Individualized Educational Plan (IEP). Once the IEP is developed, it is the responsibility of the school district to ensure that this plan is implemented. This paper contains information and suggestions that will help local districts create policies and procedures for the implementation of AT requirements.

Each section of this paper begins with a narrative followed by frequently asked questions about each topic. Topics covered are:

1. Legal Requirements and Definitions.
2. Training.

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3. IEP Development.
4. Acquisition and Maintenance of Devices.
5. Funding.

FREQUENTLY ASKED QUESTIONS:

Q: What is the role of the state Department of Education in assuring that Assistive Technology needs are met?

A: In most states, the Department of Education, Special Education Branch, provides leadership, technical assistance support and monitoring for the implementation of the AT requirements of the Individuals with Disabilities Act (IDEA). Technical assistance is provided through documents and other sources of information. Some states have provided funds for technology centers or projects. The centers and projects provide a range of services to education agencies and professionals who serve students with disabilities. Objectives of the centers and projects are designed to enhance the capacity of school districts to provide technology devices and services.

Q: What is the role and responsibility of the local school districts?

A: The role of the local school district is to utilize the IEP development process to determine individual AT needs, and then to provide assistive technology devices and services set forth in each IEP. In order to do this, local districts may develop specific procedures for addressing the following issues: the need for staff training, the development of IEPs, the acquisition and maintenance of assistive technology devices, and the identification of available funding sources.

Q: What is the role of the National Tech Act Projects?

A: Every state and six US territories have an Assistive Technology Project. These projects are programs funded under the Technology -Related Assistance for Individuals with Disabilities Act of 1994. These "Tech Act" projects are funded by the National Institute on Disabilities and Rehabilitation Research (NIDRR). {http://www.resna.org/resna/atps.htm} These projects can assist individuals with disabilities of all ages to obtain and access AT devices and services through systems change and advocacy efforts.

II. LEGAL REQUIREMENTS AND DEFINITIONS:

"...the arrival of children with assistive technology needs into the classroom has raised questions as to the legal obligations of the schools- both programmatically and financially-to provide the funding."

(Julnes, R.E. & Brown, S.E., 1993).

The Individuals with Disabilities Education Act (IDEA, P.L. 105-17) {http://www.lrp.com/lrpnet/freelib.htm} or {http://www.access.digex.net/~edlawinc/#IDEA} is the federal law that mandates a free appropriate public education (FAPE) for children with disabilities. The IDEA requires that FAPE be provided for children with disabilities ages three through twenty-one. FAPE is provided through special education, related services, and placements in the least restrictive environment with the use of supplementary aids and services. State Departments of Education provide oversight of this program.

In addition, another piece of legislation is important to know about. The Technology-Related Assistance for Individuals with Disabilities Act of 1988 (P.L. 100-407) {http://www.lrp.com/ed/freelib/free_stats/bu292201.htm} is a statute that recognizes the importance of assistive technologies in the lives of persons with disabilities and establishes a "program of grants to States to promote the provision of technology related assistance to individuals with disabilities." This

"Tech Act", as it is called, was amended in 1994 to require that each state work with its Protection and Advocacy Office to provide advocacy services in this area. Unlike the IDEA, which requires that IEP services be free, the Tech Act is not a mandate to provide free services to individuals with disabilities.

The terms "assistive technology device" and "assistive technology service" are defined as follows in the IDEA and incorporated by reference in state administrative codes:

..."assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

(34CFR§300.5)
{http://www.lrp.com/ed/freelib/free_regs/c34_300_5.htm}

... "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

a. The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
c. Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
e. Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
f. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

(34CFR § 300.6)
{http://www.lrp.com/ed/freelib/free_regs/c34_300_6.htm}

IDEA further requires:

Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those items are defined in 300.5-300.6 are made available to a child with a disability if required as part of the child's:

a. special education under section 300.17;
b. related services under section 300.16; or
c. supplementary aids or services under section 300.550(b)(2).

(34 CFR § 300.308)
{http://www.lrp.com/ed/freelib/free_regs/c34_300_308.htm}

The legal definitions from the IDEA and from the Tech Act are the same, word for word except for the use of "child" in IDEA and "individual" in the Tech Act.

The U.S. Department of Education, Office of Special Education Programs (OSEP) has further interpreted the requirements in the form of letters of clarification. The first, issued in 1990 and known as the Goodman letter, clearly emphasized that the determination of what constitutes FAPE must be developed on a case by case basis for each individual child and included in the IEP.The letters provide answers to questions asked by district personnel, parents, or others regarding the provision of assistive technology devices or services. They can help guide districts in developing their own policies and procedures.

FREQUENTLY ASKED QUESTIONS:

Q: What kinds of devices qualify as AT and must be paid for by school districts?

A: In general, if the device meets the legal definition of an assistive technology device and the IEP specifies that its provision is necessary for the student to receive FAPE, then school districts are responsible for providing the device. Examples are provided in the OSEP letters of clarification

For example, in the OSEP letter addressed to Seiler (11/19/93), a hearing aid was determined by the public agency to be required in order for the student to receive FAPE, and the child's IEP specified that the child needed a hearing aid. In this case, OSEP stated that the school district must provide the device. Other examples include:

> Eyeglasses may qualify as assistive technology in letter to Bachus (1/13/95),
>
> A calculator may qualify as assistive technology for a learning disabled student in regular math class (letter to Lambert, 4/24/92),
>
> Use of an FM auditory system could be considered an assistive technology device (letter, 4/6/92),
>
> A CCTV may be necessary for home use in order to provide FAPE to a particular child (OSERS letter, 11/27/91).

Q: Can district administrators instruct personnel not to include costly assistive technology devices in the IEP?

A: IEP teams are charged with the responsibility for determining a student's need for AT devices and services, and for specifying those devices and services. If a specific, expensive device is necessary to insure FAPE for a given student -- that is, no other device can meet the student's needs -- then the district must provide the required device even though it is costly. However, if a less expensive device would accomplish the same goals, the IEP team is under no obligation to choose a more expensive option.

III. TRAINING

> "Some staff will simply need basic awareness training on assistive technology; others who have direct contact with students with disabilities and responsibility for designing appropriate programs will need in-depth training on the community resources available in addition to the technology itself."
>
> (Julnes, R.E. & Brown, S.E., 1993),

This section identifies how districts might plan for and meet the training needs of their staff, students and families. The training each district provides will vary depending on the skills of the staff currently employed and the current needs of students in the district. There are several possibilities for planning training or in-service opportunities.

In Iowa, an unpublished document on assistive technology suggests the following process for providing staff development and training opportunities to personnel in the evaluation and the use of assistive technology devices and services:

1. develop and conduct a needs assessment to determine interests, skills, and training needs of staff,
2. create a staff development plan,
3. designate and arrange for staff development trainers,
4. develop and distribute promotional material to inform staff of training opportunities,
5. arrange for college credit or continuing education units,

6. provide release time options,
7. provide training for staff using a variety of training formats,
8. conduct on-site written evaluation of training opportunities,
9. conduct a follow-up needs assessment to determine if additional training needs are present, and
10. modify the staff development plan based on results of needs assessment.

In Delaware, a task force recommends a model that involves:

1. forming district-level Assistive Technology Resource Teams to provide staff training and technical assistance in IEP development, and
2. creating AT Resource Team Coordinator positions.

In addition to these models, a district might choose to contact their own state projects to assist with in-service training needs.

Each school district should consider providing staff development opportunities at an appropriate level of specificity to all personnel, as well as training to students and families. Districts may want to consider establishing an AT resource/training network that joins the resources of several districts.

Assistive technology training also needs to be incorporated into the pre-service training programs at the Universities. Colleges and Universities throughout the nation are examining ways to promote a new generation of "technology literate" teachers. For teachers of special education, assistive technology is increasingly being incorporated into pre-service training programs. However, there are very few state teacher licensure requirements specifically related to assistive technology.

FREQUENTLY ASKED QUESTIONS:

Q: How does the district provide AT training to staff?

A: Each district develops plans for staff development, and interested persons should contact the local school district special education director for information. National, state or regional workshops, conferences and other training opportunities are offered throughout the year; support may be available to attend these trainings. Often personnel within the district gain expertise and can provide in-service training to others. As a result, the district can increase its capacity to meet the needs of teachers and students. Vendors may offer training to professionals and families after a device is purchased. Districts may also support the training of individuals by offering memberships in national organizations that publish newsletters and journals in the area of assistive technology. Additional resources are available on the internet, a good starting point is the National Center to Improve Practice {http://www.edc.org/FSC/NCIP/}.

Q: How can a staff member receive individualized training for a specific need?

A: In general, if the IEP team specifies the use of an AT device, then it is the district's responsibility to train the appropriate staff members in its proper use. Even though there may be a district-wide training plan, special circumstances might arise where a teacher needs to learn how to operate and integrate a device for a specific student. Requests for this kind of specialized training should be made to the school principal and/or the school district special education director. Also, districts may choose to contact the state project to make linkages, provide the necessary training, or identify available resources to meet the specific need. It is the district's responsibility to either bring in a trainer or offer release time for the teacher to get the necessary training elsewhere. If the device is a supplemental aid or service only, extensive training may not be necessary. For example, the use of an FM amplifier in a classroom for a student with hearing impairment would only require a brief introduction to the equipment.

IV. IEP DEVELOPMENT:

" In determining the educational placement for each disabled student, the first line of inquiry is whether the student's IEP can be implemented satisfactorily in the regular education

environment with the provision of supplemental aids and services."

(Heumann/Hehir letter to Chief State School Officers, Nov. 23, 1994).

Determining the need for assistive technology is part of the IEP development process. Since the IDEA mandates that to the maximum extent appropriate, all students with disabilities must be educated with students who are not disabled, the responsibility of the IEP team is to consider the student's potential use of assistive technology in order to facilitate a less restrictive placement.

If the participants of the IEP team determine that the child requires AT in order to access the general or special curriculum and receive FAPE, and the IEP team designates the need for AT as either special education or a related service, the IEP must include a specific statement of such services, including the amount of services and a delineation of how the technology will be used to accomplish a particular goal. AT can be a form of supplemental aids or service utilized to facilitate a child's education in a regular education environment. Such supplemental aids and services, or modifications to the regular education program, must be included in the IEP.

The minimum composition of the IEP team is not new. At a minimum, the team must include the parent(s), the child's teacher, and a representative of the school district. Additionally, students at age 16 must be invited to attend if transition services are being considered. If the IEP team is discussing AT needs, they may want to expand membership to include one or more persons knowledgeable about AT. For example: occupational therapists, physical therapists, speech/language therapists, assistive technology specialists, special and regular educators, adaptive physical education teachers, rehabilitation counselors or caregivers.

If the team needs more information before making a determination about the need for a technology device, then it is appropriate to write a goal that an evaluation be done as an assistive technology service. For example, a specific recommendation for an AT service could be to provide a functional assessment of the student, using a range of AT devices, in order to determine an alternate writing mode for a student unable to use pencil and paper.

Brown (1993) poses several questions an IEP team could consider in making AT decisions:

a. Is an assistive technology service and/or device necessary in order for the student to receive FAPE?
b. Is an assistive technology service and/or device a necessary related service in order for the student to benefit from the special education program?
c. Is an assistive technology service and/or device necessary in order to provide LRE?
d. Is an assistive technology service and/or device necessary to permit persons with disabilities to become otherwise qualified and, therefore, eligible to access a school sponsored program or activity on a non-discriminatory basis?

If the IEP team answers yes to any or all of the above questions then the team would decide which services and/or devices be included in the IEP. Although districts can choose to provide more than the minimum, only those services and devices that are required to assure that a student receives a free appropriate public education in the least restrictive environment must be provided. Districts do not need to provide AT devices if a free appropriate public education in the least restrictive environment can be provided to the student without the device.

The "Tech Points" developed by Bowser and Reed in 1994 are being utilized in some states to assist teachers in this process. Each Tech Point represents a place in the IEP process where consideration of technology utilization should occur. This structure can provide a way to effectively organize and monitor technology utilization while enabling programs to tailor services to match the needs of the student.

Assistive technology may be included in the Goals and Objectives section of the IEP. The four places that Bowser and Reed suggests including AT are:

a. As part of the present level of performance,
b. As the goal,
c. As a short term objective,
d. As method and/or material within the objective.

Also, the AT device or service may be provided as a supplemental aid or service in order to facilitate the pupil's participation in the general education program. If so, it could be listed in the modifications section of the IEP.

The assessment of a student's ability to use and benefit from specific AT devices and/or services should be viewed as an ongoing process rather than a discrete event. The periodic review questions appear as a Tech Point. Information from this review process may result in modifications to the IEP goals and objectives. For example, a non-verbal child whose improved communication skills are hampered by a low-tech communication board may need a new objective incorporating a more sophisticated alternative or augmentative communication system.

FREQUENTLY ASKED QUESTIONS:

Q: How does AT get integrated into the curriculum?

A: The determination of the need for AT devices or services should be made in light of the student's ability to access the curriculum. For example, the use of a calculator, a word processor, an adaptation to existing classroom computers, or an augmentative communication aid might be necessary for the student to access the regular curriculum.

Q: How are AT evaluations used in guiding IEP development?

A: AT evaluations serve as the basis upon which an AT intervention would be recommended. The IEP team considers whether an AT evaluation should be done, if one is not already available. If an evaluation is necessary, the team should write it into the IEP as an AT service. When the evaluation is completed, the IEP team should reconvene to consider the recommendations and make appropriate modifications in the IEP. Each school district should document the consideration.

Q: How and when are parents involved?

A: Parents must be given an opportunity to participate in the development of their child's IEP; therefore, they have an opportunity for ongoing involvement. Family input can help to shape decisions about the practical use of devices in the home environment. Additionally, the federal definition for AT services includes the provision of training and technical assistance regarding AT to families when necessary.

Q: Does the district have responsibility to pay for an independent educational evaluation (IEE) regarding AT?

A: As part of IDEA procedural safeguards, a parent has a right to an IEE at public expense "if the parent disagrees with an evaluation obtained by the public agency." 34CFR§300.503(b) {http://www.lrp.com/ed/freelib/free_regs/c34_300_503.htm} .

Most state administrative codes describe the legal requirement for IEEs. This regulation provides that if a parent states that the school district's evaluation is not appropriate, the district must either pay for the independent evaluation or request a hearing to show that the district's evaluation was appropriate. If the final hearing decision is that the district's evaluation was appropriate, the district is not responsible for the cost of the independent evaluation.

Whenever an independent evaluation is obtained at the school district's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as criteria used by the school district.

Regardless of who pays for the independent evaluation, the results must be considered in any decision regarding the provision of FAPE to the student.

V. ACQUISITION AND MAINTENANCE OF DEVICES:

> "Questions will undoubtedly be raised as to the use of devices in school, home or the community and as to clarification of ownership."
>
> (Julnes, R.E. & Brown, S. E.. 1993)

This section offers districts basic guidelines necessary for developing local policies and procedures regarding the acquisition and maintenance of assistive technology devices used by students in school districts. In general, if the district purchases the device, then it belongs to the district. If the device is required at home or in the community in order to provide FAPE, then it can be used in those settings (OSERs letter 11/27/91).

However, the device cannot be limited to use on school property when it is determined by the IEP team that the device is needed at home or in the community setting in order to provide FAPE. If Medicaid, parents, or nonprofit agency purchased the device, then it belongs to the child/parent and is for their exclusive use. For more discussion on determining who pays for assistive technology or services see the Funding section of this document. If a device is necessary for a child to receive FAPE, as determined by the IEP team, then the district has responsibility of maintenance and repair of the device regardless of ownership. 34 CFR § 300.6(c) {http://www.lrp.com/ed/freelib/free_regs/c34_300_6.htm} .

School district insurance policies may cover devices purchased by the district for student use. Devices purchased with other funding sources may or may not be covered while on school premises. It is recommended that school district personnel investigate the district's property insurance to determine what is currently covered and whether or not the policy insures against loss or damage of assistive devices.

FREQUENTLY ASKED QUESTIONS:

Q: Who is responsible for maintaining an AT device for a particular student?

A: If the equipment is necessary for the student to benefit from education and is written in the IEP, then the school district is responsible for the maintenance of the device. It is obviously the joint responsibility of the family, student and teachers to take reasonable care of a device.

Q: How can continuity be achieved in the students program with regard to AT devices and services from classroom to classroom, teacher to teacher, school to school, year to year?

A: School districts should consider developing policies and procedures to outline the process for providing continuity over time. For example, districts may assign case managers to oversee this process, or IEPs may describe the processes as they relate to individual students. Data management systems may also prove useful in the allocation and monitoring of devices and services. Policies and procedures could also outline the process for providing training for new staff and the child's peers who will interact with the student and need to be knowledgeable about the device.

Q: What happens to AT devices when students leave the school system ?

A: If the district had purchased the device, then it remains in the district. If the family or other funding source purchased the device, it is the property of the student.

Ownership of the device is an important issue to be considered by IEP teams, particularly as students make plans to transition from secondary school to post school activities. For example, the team could consider what if any technology supports the student will need in future vocational training or

experiences, and the ways in which future needs will influence purchasing decisions.

Q: How does a district acquire AT devices for a student and arrange for maintenance?

A: Each individual district should consider establishing policies and procedures to guide staff in the purchase and maintenance of AT devices. These may parallel existing audio-visual equipment acquisition and repair procedures in a district. Components to consider include: inventory procedures; purchase requisition procedures; procedures for arranging for repairs (including student owned devices when appropriate); and a backup equipment plan.

VI. FUNDING:

> "There is no one answer to the complex problem of assistive technology funding..."
>
> (From the Study on Financing of Assistive Technology Devices and Services for Individuals with Disabilities, A report to the President and Congress of the United States March 4, 1993).

Although most assistive technology devices are not expensive, the fear of possible costs and the question of who is responsible for paying for the device or service are sometimes barriers to recommending devices or services. Potential sources for funding cover a broad range. Funding for assistive technology devices and services may come through:

- Medicaid,
- Early Periodic Screening, Diagnosis and Treatment Program (EPSDT),
- Private insurance,
- School district,
- Vocational Rehabilitation,
- Other resources (e.g. service clubs, foundations), or
- Families - as long as no cost or financial loss is incurred by the family (unless they choose to contribute toward or make the purchase).

All services necessary to provide a free and appropriate public education including assistive technology, if identified in the IEP, are the responsibility of the school district. Although cost may be considered in choosing from among appropriate options, cost may not be a deciding factor when the alternative would deny the provision of FAPE.

School districts are not obligated, however, to pay for services if there are alternate funding sources (as suggested above). A reasonable approach within the IEP team is to look at a variety of sources and consider sharing the costs if appropriate. The possible ramifications for cost-sharing should be carefully considered. For example, some agencies like Medicare consider AT devices to belong the student, whereas school districts usually retain devices when the student leaves the system. Additional information on each of the funding sources is listed below.

A task force in Delaware recommends that school districts' general education department policies embed the need for assistive/adaptive technologies in their computer and related equipment purchase plans. If consideration is given to disability/access-related issues before equipment is purchased there may be considerable cost savings. Assistive technology is actually a part of the entire technology revolution and should not be thought of as an entirely separate system. As a component of the larger system, children with disabilities should also have access to the same technology that is being used by their non-disabled peers. That is, newly acquired equipment in a school district should be accessible.

SOURCES FOR ASSISTIVE TECHNOLOGY FUNDING:

This list represents a synopsis of major funding sources for acquiring assistive technology, including legal basis, eligibility, and payment policies. People seeking funding may have to make use of more than

one source in order to obtain the device needed. Rehabilitation practitioners, independent living programs, Client Assistance Programs, etc. might also find the following useful for certain individuals they serve.

Source: The Provision of Assistive Technology Services in Rehabilitation: 17th Institute on Rehabilitation Issues, Las Vegas, NV, October, 1990. Hot Springs, AR: Arkansas Research and Training Center in Vocational Rehabilitation. pp. 64,66.

FUNDING PROGRAM: Credit Financing

LEGISLATIVE /
LEGAL BASIS: Federal Reserve Regulations including anti-discrimination law (Regulation B), and Truth in Lending Law (Regulation Z).

ELIGIBILITY: Based upon applicant's credit history, collateral used to secure the loan, and other assurance of likelihood that loan will be repaid.

EQUIPMENT PAYMENT POLICIES: Some equipment that would be difficult for bank to resell in event of default may need to be secured in other ways. Borrower, however, basically determines what is to be financed.

FUNDING PROGRAM: Medicaid

LEGISLATIVE /
LEGAL BASIS: Title XIX of Social Security Act.

ELIGIBILITY: Categorically needy persons who are eligible for AFDC or Supplemental Security Income programs. Some states cover medically needy whose incomes, after deducting medical expenses, fall below income threshold.

EQUIPMENT PAYMENT POLICIES: Varies from state to state. Generally follows Medicare policies. Most states pay for home medical equipment (HME), many pay for prosthetics and orthotics. Augmentative communication paid for by growing number of states. Medical necessity is critical factor for payment.

FUNDING PROGRAM: Medicare, Part B

LEGISLATIVE /
LEGAL BASIS: Title XVIII of the Social Security Act.

ELIGIBILITY: Persons who are: -65 years of age or older -Under 65, but disabled severely enough to qualify for Social Security Disability Insurance (SSDI) for at least 25 months.

EQUIPMENT PAYMENT POLICIES: Durable medical equipment (DME):equipment which (a) can withstand repeated use, and (b) is primarily and customarily used to serve a medical purpose, and (c) generally is not useful to a person in the absence of an illness or injury; and (d) is appropriate for use in the home.-Internal prosthetic devices -External braces -Artificial limbs or eyes

FUNDING PROGRAM: Veterans Administration

LEGISLATIVE /

LEGAL BASIS: Title 38 of the U.S. Code.

ELIGIBILITY: Veteran's service/financial status: Category A: Service connected veterans, or non-service connected, but with income below $15,000 (single);$18,000 (with dependent). Category B: Veterans not in Category A, but with annual income below $20,000 (if single); $25,000 (with dependent). Category C: All other veterans.

EQUIPMENT PAYMENT POLICIES: Equipment is paid for when deemed part of overall medical or rehabilitation intervention, which is dependent upon eligibility status. VA pays for such equipment as sensory aids, prosthetics and orthotics, mobility and transportation equipment, etc. when deemed necessary. Benefits provided to Category B veterans on an as-available basis and to Category C veterans as-available, with some co-payment required.

FUNDING PROGRAM: TEFRA.

LEGISLATIVE /
LEGAL BASIS: Tax Equity and Fiscal Responsibility Act of 1982 Birth through 6.

ELIGIBILITY: Provides coverage for children deemed diagnostically eligible (as established by SSI definition), but would be financially ineligible for SSI due to parent income. Children must meet medical necessity requirements for institutional care.

EQUIPMENT PAYMENT POLICIES: The intent is to provide the necessary services, including equipment for the child, to remain in the home versus institution.

FUNDING PROGRAM: Private Insurance, for Health, Disability, Liability, Self-Insured Employers' Insurance.

LEGISLATIVE /
LEGAL BASIS: Insurance Contract.

ELIGIBILITY: Persons recognized as beneficiaries/ dependents under particular insurance policy.

EQUIPMENT PAYMENT POLICIES: Depends upon the terms of the contract. In some cases, such as with eyeglasses, equipment is specifically excluded. Often equipment is not explicitly specified in the contract. Payment then depends upon the insurer's legal obligations, and the role of the desired equipment in meeting those obligations.

FUNDING PROGRAM: Federal/State Rehab. Title I, VR Services Title VI, Supported Employment Title VII, Independent Living Title VIIC, Independent Living (Elderly Blind).

LEGISLATIVE /
LEGAL BASIS: Rehabilitation Act of 1973 and Amendments (Title I).

ELIGIBILITY: Working age persons who are disabled and have some potential to benefit. Emphasis on persons with severe disabilities. Other Titles of Rehabilitation Act stress Independent Living/Supported Employment, where vocational potential is not the determining factor.

EQUIPMENT PAYMENT POLICIES: Equipment that is justified as expediting goal of vocational placement. Usually purchases reserved for clients who are at least job ready (Title I). In many states rehabilitation agency retains ownership to equipment.

FUNDING PROGRAM: Workers' Compensation.

LEGISLATIVE /
LEGAL BASIS: Individual State Worker's Compensation Laws.

ELIGIBILITY: Workers covered under employer's workers' compensation policy, as mandated by state law.

EQUIPMENT PAYMENT POLICIES: Many states require physical and vocational rehabilitation benefits as means of helping return injured workers to the workplace. Equipment is often purchased as part of the rehabilitative process when deemed cost-effective.

FUNDING PROGRAM: PASS.

LEGISLATIVE /
LEGAL BASIS: Plans to Achieve Self-Support (Pass SSA Circular 05-09-SSI).

ELIGIBILITY: An income and resource exclusion that allows a person who is blind or disabled to set aside income and/or resources for a work goal such as education, vocational training, starting a business.

EQUIPMENT PAYMENT POLICIES: Individuals can set aside funds to purchase work related equipment, i.e., a computer or other assistive devices.

FUNDING PROGRAM: Special Education.

LEGISLATIVE /
LEGAL BASIS: Education for All Handicapped Persons Act (P.L. 94-142) and Amendments Chapter I (Elementary and Special Education Act).

ELIGIBILITY: Children with disabilities ages birth through 21.

EQUIPMENT PAYMENT POLICIES: Equipment that is justified as expediting educational goals of students. Also now responsible for meeting the family support needs of families with preschool aged children. In many states equipment is owned by and remains at the student's school.

FREQUENTLY ASKED QUESTIONS:

Q: When is the district required to pay for a device or service?

A: The IEP team should work together to identify potential resources for paying for the more expensive types of devices or services. If outside funding is not available, then it is the responsibility of the district to pay for and provide what is identified in the IEP for a student.

Q: If a parent purchased an AT device prior to determination of need by the IEP team, will the parent receive reimbursement from the district?

A: No, however if the AT device is called for in the IEP then the district becomes responsible for its maintenance and repair.

Q: Can districts give priority to students with "greater needs"?

A: No, the decision to provide an AT device is done on a case-by-case basis through the development of the child's IEP. No district priorities can be set. (See Goodman letter 8/10/90).

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